REMARKS

In response to the Official Action mailed May 6, 2004, Applicants propose to amend their application and request reconsideration. In this Amendment, no claims are added or canceled so that claims 1, 3-12, 14, 16-24, 26-29, and 31-33 remain pending. No new matter has been added.

Claim 1 is amended to correct a lack of antecedent basis issue. Claim 1 now recites "the image acquisition control parameters" instead of "the color acquisition control parameters" at lines 11-12 of that claim.

Claim 29 is amended to recite that the color management component is part of an operating system (see page 11, line 19 to page 12, line 4 of the patent application). This amendment was discussed in the previous Amendment of March 15, 2004; however, the actual claim amendment was inadvertently omitted.

Claim 1 is rejected under 35 U.S.C. § 112 as being indefinite due to a lack of antecedent basis issue. That rejection is now moot, as claim 1 is amended to recite "the image acquisition control parameters" instead of "the color acquisition control parameters."

Claims 1, 11, 14, 23, 24, 28, 29, and 33 are rejected as anticipated by Lavendel et al. (US Pat. Pub. 2002/0126147, hereinafter Lavendel). That rejection is respectfully traversed.

Regarding claims 1, 14, 24, and 29, Lavendel fails to teach every limitation of those claims. Namely, Lavendel fails to teach that the color management component, which provides color management functions, is a component of the computer's operating system.

CLAIMS	ELEMENT
1, 24	"a color management component **of an operating system** having color management functions for performing color management operations"
14, 29	"calling a color management application programming interface to invoke a color management function of a color management component **of an operating system** to process the color image data received from the image-capturing device when the color management parameter is set to indicate that color management is to be performed"

The Official Action contends that this limitation is taught by the tone control facility of the TWAIN core control. Applicants' respectfully submit that the Official Action's contention is erroneous.

In the invention, the color management component is provided as integrated with the operating system, giving it the advantage of more consistent color interchange (see page 11, line 19 to page 12, line 4 of the patent application). By contrast, the alleged color management component

of Lavendel (the TWAIN tone control) is part of a TWAIN application that is installed on top of the operating system (see paragraphs 17 and 55, and Figure 4 of Lavendel). Because different TWAIN data sources may provide different color adjustment parameters, Lavendel cannot achieve the advantage of the present invention, where the color management component is unified in the operating system thus providing standardized color interchange. Therefore, Lavendel clearly fails to teach a color management component of an operating system. Accordingly, the rejection is erroneous and should be withdrawn.

Furthermore, with regard to claims 1 and 24, Lavendel fails to teach "a device driver for the image-capturing device... invoking a color management function of the color management component to operate on the color image data of the captured image when the color management parameter is set to indicate that color management is required." In the present invention, parameters for image acquisition by the image-capturing device are contained in an image acquisition control data structure, and the parameters are set by the application by calling an image acquisition API. One of the parameters is a color management parameter that indicates whether color management is to be performed on an image captured by the image-capturing device. In response to a request from the application to acquire an image, the device driver checks the image acquisition control parameters and controls the image-capturing device to obtain an image according to the image acquisition parameters. When the device driver receives the captured image from the device, if the color management parameter is set, it calls the color management API to invoke a color management function of the color management component. The device driver then forwards the processed image data to the application.

By contrast, Lavendel discloses that it is the image input operations manager 49, not any device driver, that is responsible for determining whether color management is to be performed and for sending image data to the appropriate module for such color management (see paragraphs 61-63 and Figure 4 of Lavendel). Thus, Lavendel never discloses anything suggesting that device driver 51 invokes a color management function, nor does Lavendel disclose that device driver 51 checks a color management parameter. Accordingly, the rejection of claims 1 and 24 is erroneous, and should be withdrawn.

Claims 3-8, 10, 16-22, 26, 27, 31, and 32 were rejected as unpatentable over Lavendel in view of Shiraiwa (US Pat. 6,611,621). That rejection is respectfully traversed.

As previously discussed, Lavendel fails to teach or suggest a color management component of an operating system, and a device driver invoking that component. Because Shiraiwa also fails to teach or suggest these limitations, the combination of Lavendel and
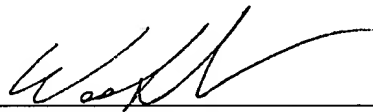
Shiraiwa cannot teach or suggest these claims. Accordingly, *prima facie* obviousness has not been established, and the rejection should be withdrawn.

Claim 9 was rejected as unpatentable over Lavendel in view of Shiraiwa and further in view of Lipton (US Pat. 5,835,098). Claim 12 was rejected as unpatentable over Lavendel in view Lipton. These rejections are respectfully traversed.

As previously discussed, Lavendel and Shiraiwa fail to teach or suggest a color management component of an operating system, and a device driver invoking that component. Because Lipton also fails to teach or suggest these limitations, no combination of Lavendel, Shiraiwa, and Lipton can teach or suggest claims 9 and 12. Accordingly, *prima facie* obviousness has not been established, and the rejection should be withdrawn.

Reconsideration and withdrawal of the rejections, as well as prompt allowance of the pending claims, are earnestly solicited.

Respectfully submitted,

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